

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 15 and 31-53 are currently pending in this application. Claims 15 and 42 are independent. The remaining claims depend, directly or indirectly, from claims 15 and 42.

Claim Amendments

Independent claims 15 and 42 have been amended by this reply to recite “generating and displaying at least one interactive message superimposed over the program, wherein the interactive message requires a response from the user, and wherein the interactive message changes to the at least one of the received channels based on a positive reply from the user.” Applicant asserts that no new subject matter is added by way of these amendments. Support for these amendments may be found, for example, on page 6, line 21 – page 7, line 17.

Rejections under 35 U.S.C. § 112

Claims 15 and 31-53 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 15 and 42 have been amended by this reply to correct the antecedent basis issues pointed out by the Examiner during the telephone conference on September 6, 2006. Specifically, claims 15 and 42 now recite that the menu item is originally located in a first location of the display, and when selected, remains in the first location of the display, even though the menu changes. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 15 and 31-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,772,433 ("LaJoie") in view of U.S. Patent No. 6,536,041 ("Knudson"). Independent claims 15 and 42 have been amended by this reply. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The present invention relates to a method of providing a user with options for accessing at least one of multiple received channels. The method of the present invention provides for a service menu shown on a display to be generated. The display is superimposed over a program transmitted on one of the received channels. The service menu includes a list of several menu items corresponding to services available to a user. Using the list of menu items, a user selects a particular menu item corresponding to a desired service, and a subsequent submenu is displayed for the user. The submenu is displayed together with only the selected menu item (*See* Specification, Figure 5), where the selected menu item remains in the same location that it was displayed in before selection.

In addition the claimed invention recites a feature directed toward an interactive message. Particularly, an interactive message is generated and displayed by a decoder, where an interactive message is a message that *requires a response by a user*, where the user's response *triggers an action* in the decoder (*see* Specification, page 6, lines 29-31). For example, an interactive message may be a message that asks the user whether the user would like to switch to a particular channel that has a new program starting on that channel (*see* Specification, page 7, lines 1-3). In one or more embodiments of the invention, the interactive message provides a method by which the user can select at least one of the received channels, such that the decoder

changes the display to the selected one of the received channels when the user responds to the interactive message.

Turning to the rejection of the claims, to establish a *prima facie* case of obviousness “...the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (See MPEP §2143.03). Further, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (See MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of amended independent claims 15 and 42.

The Examiner admits that LaJoie fails to teach or suggest that the service menu and the at least one subsidiary menu are superimposed over a program transmitted on one of the received channels, where interference with the program is minimal (*see* Office Action mailed June 16, 2006, page 4). Further, LaJoie fails to teach or suggest generating and displaying an *interactive message*, as recited in the amended independent claims. In LaJoie, the user selects an option in the interactive program guide (IPG) (*e.g.*, the film Bridges of Madison County (75) in Figure 28 of LaJoie), which brings up an event barker related to the film and through which several more sub-options are presented to the user. As shown in Figure 28 of LaJoie, when “Bridges of Madison County” is selected, the next screen displayed (*i.e.*, 544 in Figure 28) shows a description of the movie, running time, etc.

While LaJoie does mention different service menus and sub-menus from which a user can select a program or program-related information, LaJoie is completely silent with respect to any type of interactive message to which a user responds being displayed before or upon selection of a program from the IPG. The IPG and other program-related menus cannot be considered an interactive message because the IPG and/or program-related menus do not ask the

user questions or *request a response from a user*. Said another way, the IPG and program-related menus are passive elements that do not proactively request responses from a user. In contrast, the interactive message as defined in the Specification on pages 6-7 is a message that presents a user with an option and requires either a positive or negative reply from the user. Thus, it is clear that LaJoie fails to teach or suggest an interactive message, as recited by the amended independent claims.

Further, Knudson fails to supply that which LaJoie lacks. Knudson relates to providing real-time data to interactive program guides (IPG). IPGs are menus that allow users to view television program listings on their television (*see* Knudson, col. 1, ll. 8-15). For example, the IPGs of Knudson provide real-time sports scores, updating program listings information, and other real-time data (*see* Knudson, col. 1, ll. 43-50). Although Knudson is directed toward an interactive program guide menu system, Knudson fails to disclose or suggest generating and displaying an interactive message, which as explained above, is completely distinct from an IPG. The IPG disclosed in Knudson does not require a response by a user, but rather, is an information guide that simply provides real-time information to a user. Moreover, even if the user does make a selection in the IPG, the IPG does not *require a positive reply* from the user in order to trigger an action, such as changing to a particular channel.

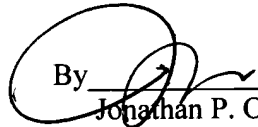
In view of the above, it is clear that LaJoie and Knudson, whether considered separately or in combination, fail to render amended independent claims 15 and 42 obvious. Thus, amended independent claims 15 and 42 are patentable over LaJoie and Knudson. Dependent claims 31-41 and 43-53 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345.019001).

Dated: September 8, 2006

Respectfully submitted,

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